

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Madison River Telecommunications, LLC,	)	
	)	
Complainant,	)	
	)	File No. EB-04-MD-007
v.	)	
	)	
BellSouth Telecommunications, Inc.,	)	
	)	
Defendant.	)	
	)	

**ORDER**

**Adopted: July 9, 2004**

**Released: July 12, 2004**

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On May 20, 2004, Madison River Telecommunications, LLC (“Madison River”) filed with this Commission a formal complaint against BellSouth Telecommunications, Inc. (“BellSouth”) pursuant to section 208 of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 208.<sup>1</sup> The Complaint alleged, *inter alia*, that BellSouth violated sections 201(b), 202(a), and 251 of the Communications Act<sup>2</sup> and section 51.35(b) of the Commission’s rules<sup>3</sup> by failing to timely convert special access circuits into combined network elements.<sup>4</sup>

2. On July 8, 2004, Madison River and BellSouth filed a joint request to dismiss the Complaint with prejudice.<sup>5</sup> The Joint Request states that Madison River and BellSouth “have reached a full and total settlement of all issues in this proceeding,” and requests that the Commission dismiss the complaint with prejudice.<sup>6</sup>

3. We are satisfied that dismissing the Complaint with prejudice will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and expenditure of further time and resources of the parties and this Commission.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the

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<sup>1</sup> Formal Complaint, File No. EB-04-MD-007 (filed May 20, 2004) (“Complaint”).

<sup>2</sup> 47 U.S.C. §§ 201(b), 202(a), and 251.

<sup>3</sup> 47 C.F.R. § 51.35(b).

<sup>4</sup> *See, e.g.*, Complaint, ¶¶ 4, 23.

<sup>5</sup> BellSouth Telecommunications, Inc.’s and Madison River Communications, LLC’s Joint Motion to Dismiss With Prejudice, File No. EB-04-MD-007 (filed July 8, 2004) (“Joint Request”).

<sup>6</sup> *Id.*

Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.720-36, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that Madison River's and BellSouth's joint motion for dismissal with prejudice IS GRANTED.

5. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.720-36, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the Complaint IS DISMISSED WITH PREJUDICE and that the above-captioned proceeding is TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr  
Chief, Market Disputes Resolution Division  
Enforcement Bureau